

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD**  
**MINUTES OF MEETING HELD JULY 17, 2002**  
**FLAGSTAFF, AZ**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on July 17, 2002, at the Little America Hotel, 2515 E. Butler Avenue, Flagstaff, AZ.

Members Present:

Sheriff Joe Richards, Acting Chairman  
Laura Reckart, representing Attorney General Janet Napolitano  
Director Terry Stewart  
Chief Harold Hurtt  
Director Dennis Garrett  
Chief Jerry Sheridan  
Mr. Jim Garcia  
Mrs. Jan Cross  
Sergeant Gary Eisenga

Members Absent:

Attorney General Janet Napolitano  
Sheriff Clarence Dupnik  
Chief John Corder

Staff in Attendance:

Tom Hammarstrom  
Lyle Mann  
Lynn Larson  
Marie Dryer  
Julie Love  
Rosalee Fitch  
Ted Brandon  
Steve Jacobs  
Gary Maschner  
Carol Muskus  
Lois Sherlock

Counsel for Board in Attendance:

Diana Stabler, Asst. A.G.

**Guests in Attendance:**

Dave Hendershott, MCSO  
Michael R. Joseph  
Jon Love, Glendale P. D.  
Tom Clinkenbeard, MVD  
Daniel Christl, A.G. - POST  
Bert Brosius, AZ POST  
Fred and Roberta Cushman, Tucson P. D./Pima County Attorney's Office  
Bob Lehner, Tucson P. D.  
Dean Brice, Kingman, P. D.  
John Miranda, San Luis, P. D.  
Terry Hollis, Somerton P. D.  
Rod Head, Bullhead City P. D.  
Tim Mosby, Kingman P. D.  
Tom Fitzpatrick, Buckeye P. D.  
Jon Heiden, AZ Police Corps  
Heidi Lowe, AZ Police Corps  
Dave Jordan, Pinal County Sheriff's Office  
John Brewer, Gilbert P. D.  
Scott Mascher, Yavapai County Sheriff's Office  
Robby Robinson, Yuma P. D.  
Jesse Ochoa, NAU Police Department  
Frank Manson, Williams P. D.  
David Felix, AZ DPS  
Eric Hailey, ALEA  
Sam Weiss, CARLOTA  
Patrick Scherden, Arizona F.O.P.  
Kevin Clark, Tolleson P. D.  
Harry Gillway, Kearney P. D.  
Carl Pederson, Lave Havasu City Police Department  
Ray Howard, Maricopa County Attorney's Office  
Ken Peasley, PCAO  
Ken Janes, Pima County Attorney  
John Sutton, ASU Police  
Jan Madeya, ACIP  
Richard McCluskey, Greenlee County Sheriff  
Frank L. Montoya, Greenlee County Sheriff's Office  
Todd Tate, Fountain Hills Marshal's Department  
Larry Gale, Greenlee County Attorney's Office  
Brian Hough, Apache County Sheriff's Office  
Luis Martinez, Gila River P. D.  
John R. Armer, Gila County Sheriff  
Hal Collett, La Paz County Sheriff  
Bobby Harris, Chandler P. D.  
Derek Rapsier, Greenlee County Attorney

Rich Kush, AZRCPI  
Chris Vasquez, Pinal County Sheriff's Office  
Mike Minter, Pinal County Sheriff's Office  
William Brown, Pinal County Sheriff's Office  
Roger Vanderpool, Pinal County Sheriff  
Tulley Jim, Sr., Dine College P. D.  
Anthony Daykin, University of Arizona P. D.  
Kelly Michelson, Rio Salado College  
Santos Hernandez, El Mirage P. D.

**A. CALL TO ORDER**

Acting Chairman Joe Richards called the meeting to order at 1:35 p.m.

**B. INTRODUCTIONS**

Tom Hammarstrom recognized the following Subject Matter Expert (SME) Chairs and Co-Chairs for their dedication, service and commitment in providing expertise, not only to POST, but to the law enforcement community:

Lt. Harold Brady, Glendale Police Department, Co-Chair - Law & Legal; Ms. Beverly Ginn, Tucson Police Department, Co-Chair - Law & Legal; and Officer Fred Cushman, Tucson Police Department, Chair - Patrol Procedures.

Tom Hammarstrom recognized Mr. Jim Wilson for his 24 years of outstanding service as the Academy Director for the Northland Pioneer Community College Law Enforcement Academy. Mr. Wilson is retiring this year.

Mr. Bert Brosius of the AZ POST staff was recognized for his selfless dedication and commitment for volunteering his services to AZ POST for the past 8 years. Bert has been instrumental in the development of POST's Distance Learning Program. Tom Hammarstrom stated it was an honor to present him with this plaque for his outstanding service.

Sheriff Joe Richards will no longer be serving on the AZ POST Board. Tom Hammarstrom presented Sheriff Richards with a plaque in appreciation for his outstanding service to the law enforcement community while serving as a member of the AZ POST Board for the past 16 years.

Sheriff Richards welcomed George Weisz of the Governor's Office.

**C. CONSENT AGENDA**

Approved unanimously, motion made by Director Garrett, seconded by Chief Sheridan.

1. Minutes of the meeting held on May 22, 2002, were approved as written.
2. Income and Expense Statement - May 2002 - approved as recorded.

Funds as of May 1, 2002	\$1,234,356.97
CJEF Revenue	525,901.13
Expenditures/Encumbrances	(935,540.06)
Balance for May 31, 2002	\$ 824,718.04

3. The next scheduled Executive Session according to A.R.S. §38-431(A)(2), A.R.S. §38-431.03(A)(2), and/or A.R.S. §38-431.03(A)(3) or (A)(4): Wednesday, September 25, 2002, at 1:00 p.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.
4. The next scheduled Regular Meeting: Wednesday, September 25, 2002, at 1:30 p.m., at AZ POST, 2643 E. University Drive, Phoenix, AZ.
5. Ministerial Actions:
  - a. Certification Waivers: The following individual(s) have met the requirements set forth in AZ POST Rule 13-4-110 and have successfully completed the testing process and verification by AZ POST staff. Therefore, upon Board direction, certified peace officer status has been granted to:
 

John M. O'Hara	AZ Department of Transportation - MVD
Patrick J. Murphy	AZ State University - DPS
Dennis L. Boone	Lake Havasu City Police Department
Ronald D. Jansen	Maricopa County Comm. College Dist.
Richard A. Allen	Mohave County Sheriff's Office
Alan Rodbell	Scottsdale Police Department
Daniel Hughes	Surprise Police Department
  - b. Instructor Certification Renewals: LIST ATTACHED TO MINUTES
  - c. Training Program Approvals: Agency requests were reviewed by staff and found to comply with Board guidelines. Programs were approved as requested. LIST ATTACHED TO MINUTES

- d. Decertification Case Status Report Updates: As of June 26, 2002, the Compliance and Standards Unit has a case load of 89 active decertification cases in various stages of the process. Eight cases are ready for initial presentation, 38 cases need further investigation, 8 cases are pending service of or response to a Notice of Complaint for Decision, 6 cases are pending hearing, 9 cases are ready for final action, and 20 cases are pending outside activity, i.e., a criminal trial or civil service hearing.

**D. REGULAR AGENDA**

Appointment of Board Committees - The Board has maintained committees and working groups to make recommendations to the Board on recurrent issues such as administrative rules, as well as specific topics such as basic training support. No formal policy has existed to direct staff in maintaining these committees and groups. In some instances, committees that started out with Board members as participants have evolved over time and lost that Board member participation.

It is recommended that the Board direct staff to review each of its committees and working groups and recommend a Board policy for the management of POST committees. Such a policy should require a brief mission statement for each group, direction on the membership of each group including Board member and stakeholder representation, duration of appointment, and direction regarding when and where committees and groups should meet; in short, giving formal structure to the committee process.

Director Stewart made a motion that staff prepare a comprehensive policy on POST committees for consideration and approval by the Board, seconded by Chief Hurtt, motion carried unanimously.

**E. REPORTS**

**1. Special Projects**

Lyle Mann reported that this fiscal year the Board had 124 new cases including the 100 cases that were brought forward from the previous fiscal year. One hundred and thirty cases were closed out. This is a slight reduction over previous years; basically the total number of officers under Board jurisdiction is increasing, and the number cases being brought before the Board is decreasing. Out of the 130 cases, 64 individuals were sanctioned, with the rest being closed without discipline.

AZ POST Rules Promulgation - Tom Hammarstrom updated the Board on the AZ POST Administrative Rules. On July 9, 2002, the Governor's Regulatory Review Council voted to approve the rule revisions. The final

rulemaking package was filed with the Secretary of State's Office on July 11, 2002, and is awaiting publication. Most of the revisions became effective on July 11<sup>th</sup>. Rules which impact minimum standards will become effective in six months from that date (January 2003). This was a team effort and Tom wanted to recognize Diana Stabler, Lois Sherlock, but especially Lyle Mann who was the person most responsible for this successful effort. This was a grueling and lengthy process. Lyle took that responsibility and did an outstanding job. Tom also wanted to thank Ms. Jeannie Hahn and her staff at the Governor's Regulatory Review Council for their support. Lyle will be conducting training on the new rules on July 18, and Tom invited everyone to attend.

AZ POST Newsletter - Tom stated that the AZ POST Newsletter has been distributed and hoped everyone received a copy. POST intends to publish the newsletter on a quarterly basis.

The Central Arizona Drivers' Training Track - Tom updated the Board on this issue. There were design problems, and problems with the drainage of the track as constructed. Additional funding was required. A grant agreement was completed with Central Arizona College to move forward with the needed repairs. The agreement ensures the Board's needs are met before the money is delivered. It also enables Central Arizona College to complete the needed improvements.

Tom introduced Mr. Sam Weiss of CARLOTA to speak before the Board on the performance of the work. Mr. Weiss reported the work was completed on the track last week. Mr. Pat Farmer, SME Chair on Defensive Driving, visited the track with a walk-around/drive-around. He stated that the recommendations the SME committee made for improvements to the track had been exceeded. The driving track is now ready for use.

Tom invited Lt. Colonel David Felix to report on the health of Assistant Director Rod Covey who has been in Boston for the past week undergoing serious surgery. Lt. Colonel Felix reported that Rod has suffered for a number of years with a disease called Wegener's granulomatosis. It is an auto-immune disease, in which certain parts of the body starts to attack its own tissues. Several years ago, he had two stints inserted into his trachea to provide an airway. The stints continued to become infected, and he was on constant antibiotics. Last Friday, he had surgery to remove the stints, and they were badly infected. He is being treated with antibiotics and steroids. His trachea is in better shape than they thought, so the doctors are looking into different options - from total replacement of the trachea to doing a reconstructive-type surgery. Rod wanted to thank everyone for their thoughts and prayers.

b. Legislative Update

Tom Hammarstrom reported that before the Legislature adjourned, they passed H.B. 2595. This bill has to do with residual contamination of drug properties. It forms a committee and requires this Board to nominate two peace officers to serve on the committee to provide advice on this issue. Staff will identify candidates for appointment and bring to the Board at the next meeting.

2. BASIC TRAINING

Lynn Larson presented the Board with a synopsis of the academy reports. Lynn reported on the Comprehensive Certification Tests. There have been 31 tests given at 12 different academies between May 3, 2001, and June 24, 2002. Eight-hundred and ninety-two cadets have been tested with a 7% failure rate during the pilot process. Staff is very encouraged.

Lynn also reported on the Model Lesson Plan Project. Thirty-seven percent of the model lesson plans have been completed and distributed to the academies along with the support material. Each one of the functional areas are being put on CD. The target date for 100% completion of the model lesson plans is September 6, 2002.

The 2002 Report Synopsis from Dr. Haladyna states that "AZ POST stands very well against these guidelines for standard test creation. For high stakes testing, while some of these guidelines do not apply to POST, most do. The strength of AZ POST testing program is the curriculum upon which the test is based and the supply of high quality test items. AZ POST has done very well in the development of the item bank which is heart of any testing program." Lynn wanted to take this opportunity to thank all of the agency heads and the SMEs who have helped make this possible.

The Mesa Police Department has made a decision to open its academy to outside agencies. Beginning with Class #19 they will be open to outside agencies on a space-available basis. The Scottsdale Police Department expects to have five recruits in this class. ALEA and AZ POST have been very supportive in this venture.

Commander Eric Hailey was introduced as the new ALEA Commander. Commander Hailey spoke briefly before the Board. Commander Rich Kush was recognized as the outgoing ALEA commander. Rich is the new Executive Director for the AZRCPI.

Mr. Sam Weiss from CARLOTA reported that since last July, CARLOTA has processed four academies. Normally that would be approximately 60

students. CARLOTA had 109 students; and of the 109 cadets, 98 graduated. Over forty different agencies were represented. On August 11<sup>th</sup>, 36 cadets will come in representing 15 different agencies, and on September 8<sup>th</sup>, 24 cadets will be coming in representing 11 agencies.

Sheriff Richards read a letter from COTA Commander Sandra Walker. Due to her recent promotion to Deputy Warden at the Eymann Complex, she was unable to attend the Pow Wow this year. Commander Walker wanted to express her appreciation to the AZ POST board members, AZ POST staff, the other academy commanders, sheriffs, and to the many others who have shown their support during her tenure.

3. POLICE CORPS

Mr. Jon Heiden reported that Police Corps does have funding. They had to cancel their academy, but they are still developing curriculum. Another milestone was they finally got a cadet into the Police Corps program. The cadet is now in Oklahoma, but as soon as he completes training, he will come on board with the Flagstaff Police Department. Police Corps is developing training for the Washington D.C. Capitol Police. Mr. Heiden wanted to thank the Board, AZ POST, and Dr. Kline from the Central Arizona College for their support.

4. DEPARTMENT OF CORRECTIONS

Director Stewart stated that since Sandra Walker has been promoted, that has created a vacancy for the COTA Commander position. The position has been advertised externally, and if there is anyone interested, Director Stewart encouraged them to apply.

Tom Hammarstrom pointed out that the Board and the Department of Corrections entered into an intergovernmental agreement which allowed POST staff to perform audits on correctional officer new hires in accordance with statutory requirements. AZ POST has been doing that for the past two months. This has been an outstanding cooperative process with a 100% compliance noted on the part of the Department of Corrections.

Sheriff Richards thanked Director Stewart for his support for the Arizona Sheriff's Association. They are moving forward in adopting state standards for their detention officers.

5. ARIZONA REGIONAL COMMUNITY POLICING INSTITUTE

Tom Hammarstrom recognized Rich Kush as an outstanding commander at ALEA. The quality of cadets is outstanding, and credit goes to Commander

Kush for his stewardship. Tom stated he is very excited that Rich has been appointed as the new Executive Director for AZRCPI.

Executive Director Kush stated that it was an honor and a privilege to serve at ALEA. He is excited to move forward to his new position at the AZRCPI, and hopes to continue with the great job that Kim Humphrey performed as the Executive Director. He has just returned from Washington D.C., and the funding has been continued. Free training will continue to be provided in the areas of Community Policing, Ethics and Domestic Violence throughout the state.

**6. ADVISORY COMMITTEE REPORTS**

No report.

- F. CASES      Consideration and possible action on the certified status of peace officers. Case #5 was taken out of order because Michael Joseph wished to speak before the Board.

Case #5 - Michael R. Joseph - La Paz County Sheriff's Office - The Board considered comments from Mr. Dan Christl, Attorney General's Office, Mr. Thomas Baker, attorney for Mr. Joseph, and Mr. Michael Joseph. The Board also considered the Administrative Law Judge's Findings of Facts and Conclusions of Law. Mr. Baker, Mr. Joseph and Mr. Christl agreed that the Findings of Fact and Conclusions of Law are proper, and have stipulated for a 20 month suspension; 14 months time served, and 6 months from today's date - May 17, 2001 to January 17, 2003. Mrs. Cross made a motion to adopt the Findings of Facts and Conclusions of Law, seconded by Chief Hurtt, motion carried unanimously. Mrs. Cross made a motion to adopt the stipulated 20 month suspension, consisting of 14 months time served, and a prospective 6 months, carrying the suspension to January 17, 2003, seconded by Chief Hurtt, motion carried unanimously.

Case #1 - James E. Briseno - Douglas Police Department - The Board considered the Consent Agreement, Order and Decision (a one year suspension from today's date (July 17, 2002). Chief Sheridan made a motion to adopt the Consent Agreement, Order and Decision, seconded by Sgt. Eisenga, motion carried. *Mrs. Cross recused herself from participation.*

Case #2 - Lonnie Buthmann - Yuma Police Department - The Board considered the documentation regarding violations of R13-4-9(A)(6)(7) and (8). Mr. Garcia made a motion to adopt the Findings of Facts and Conclusions of Law and revoke the peace officer certification, seconded by Ms. Reckart, motion carried unanimously.

Case #3 - Matthew M. Cockrill - Pinal County Sheriff's Office - The Board considered the Consent Agreement, Order and Decision (one year suspension from today's date, July 17,

2002). Chief Sheridan made a motion to adopt the Consent Agreement, Order and Decision, seconded by Chief Hurtt, motion carried unanimously.

Case #4 - Allan G. Erickson - Arizona Department of Public Safety - The Board considered the Consent Agreement, Order and Decision (one year suspension from the date of termination - February 7, 2001, to February 7, 2002). Sgt. Eisenga made a motion to adopt the Consent Agreement, Order and Decision, seconded by Chief Sheridan, motion carried. *Director Garrett recused himself from participation.*

Case #6 - Rudy C. Oaxaca - Tucson Police Department - The Board considered the documentation regarding violations of R13-4-9(A)(6) and (8). Director Garrett made a motion to adopt the Findings of Facts and Conclusions of Law and revoke peace officer certification, seconded by Chief Hurtt, motion carried unanimously.

Case #7 - Robert J. Petrotto - Chandler Police Department - The Board considered the documentation regarding violations of R13-4-9(A)(7) and (8). Chief Hurtt made a motion to adopt the Findings of Facts and Conclusions of Law and revoke peace officer certification, seconded by Mr. Garcia, motion carried. *Ms. Reckart recused herself from participation.*

Case #8 - Michael R. Quick - Kingman Police Department - The Board considered the documentation regarding violations of R13-4-9(A)(7) and (8). Mr. Garcia made a motion to adopt the Findings of Facts and Conclusions of Law and revoke peace officer certification, seconded by Chief Hurtt, motion carried unanimously.

Case #9 - Christopher Valdez - Arizona Department of Public Safety - The Board considered the documentation regarding violations of R-13-4-9(D) - mandatory revocation of certification. Chief Sheridan made a motion to revoke peace officer certification, seconded by Chief Hurtt, motion carried. *Director Garrett recused himself from participation.*

G. CALL TO THE PUBLIC

None received.

H. ADJOURN

Acting Chairman Richards adjourned the meeting at 2:40 p.m.

Dated this 24<sup>th</sup> day of July 2002

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Lois Sherlock, Recording Secretary

**MINUTES APPROVED:**

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